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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

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| IN RE:<br><br>McCLAIN FEED YARD, INC., McCLAIN<br>F FARMS, INC., AND 7M CATTLE<br>FEEDERS, INC.,<br><br>Debtors. <sup>1</sup> | Chapter 7<br><br>CASE NO. 23-20084-rlj<br><br>Jointly Administered         |
| RABO AGRIFINANCE LLC,<br><br><i>Plaintiff,</i><br><br>v.  | <b>ADV. PROC. NO. 23-02005-rlj</b><br><br><b>Honorable Robert L. Jones</b> |

<sup>1</sup> The Debtors in these jointly administered cases are: (1) McClain Feed Yard, Inc. (Case No. 23-20084); (2) McClain Farms, Inc. (Case No. 23-20885); and (3) 7M Cattle Feeders, Inc. (Case No. 23-20886). All three cases are being jointly administered under the case number for McClain Feed Yard, Inc.

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| ACEY LIVESTOCK, LLC et al.,<br><br><i>Defendants.</i> <sup>2</sup> |  |
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**DECLARATION OF MATTHEW M. CANNON IN COMPLIANCE WITH THE  
SERVICEMEMBERS CIVIL RELIEF ACT AND IN SUPPORT OF DEFAULT  
CERTIFICATE AND REQUEST FOR ENTRY OF DEFAULT JUDGMENT AGAINST  
DEFENDANTS: (1) STAN E. AYERS, JR.; (2) BRENT BURNETT; (3) TERRY  
BURNETT; (4) ERIC DEJARNATT; (5) JACE HARROLD; (6) JEAN NIX; (7)  
CHRISTOPHER PRINCE; (8) DAVID RAINY; (9) MARK J. REISZ; (10) RALPH  
REISZ; (11) STARNES CATTLE; (12) JEFF STARNES; (13) JUSTIN STUEVER; (14)  
PHILLIP SULLIVAN; (15) TINDAL TRUCK SALES; (16) NANCY WEDDINGTON; (17)  
WILLIAM WEDDINGTON; (18) TOM FRITH; (19) JIM GIORDANO; (20) JOHN**

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<sup>2</sup> The Defendants named in the Complaint are ACEY LIVESTOCK, LLC; MICHAEL ACEY; STAN E. AYERS, JR.; ARNOLD BRAUN TRUST; ARNOLD BRAUN; ROBERT BRAUN; BAR D RANCH LAND & CATTLE LLC; N. TERRY DICKS; BARRETT'S LIVESTOCK INC.; DON RALPH BARRETT; BELLA ELEGANCE LLC; BIG SEVEN CAPITAL PARTNERS, LLC; DORA BLACKMAN; BRYAN BLACKMAN; EDDIE BRYANT; BRENT BURNETT; JOE BURNETT; TERRY BURNETT; BUSS FAMILY TRUST; EDWIN D. BUSS; DENNIS BUSS; C HEART RANCH, LLC; COLETTE LESH; CARRAWAY CATTLE, LLC; RICHARD CARRAWAY; CURTIS JONES FARMS; DAC83 LLC; ERIC DeJARNATT; DON JONES FARM, INC.; DON JONES TRUCKING, INC.; DUFURRENA CUTTING HORSES; EDWARD LEWIS DUFURRENA; RIETA MAY DUFURRENA; ROBERT ELLIS; MICHAEL EVANS; DOUG FINLEY; GARWOOD CATTLE CO.; JUSTIN GARWOOD; GENE BROOKSHIRE FAMILY, LP; JOEL BROOKSHIRE; GRAY BROTHERS CATTLE; ROBERT GRAY; RONNIE GRAY; JIMMY GREER; GUNGOLL CATTLE, LLC; BRADLEY GUNGOLL; LEAH GUNGOLL; JACE HARROLD; HINES CATTLE COMPANY, LLC; HINES FARMS, LLC; A.J. JACQUES LIVING TRUST; CORY JESKO; DWIGHT JESKO, JOANN & KEITH BROOKS d/b/a BROOKS FARMS; LARRY KEITH; DUSTIN JOHNSON; DAVID JOHNSON; KINSEY JONES; KINGDOM TRUST; JAMES MCCUAN; KEITH HARRIS; JANICE LAWHON; JAN LESH; MORRISON CAFÉ, LLC; LESH FAMILY TRUST; GARY LESH; JARED LESH; JORDAN LESH, LLC; LFC CATTLE; CHARLES LOCKWOOD; COLE LOCKWOOD; SHERLE LOCKWOOD; NIKKI LOCKWOOD; MAP ENTERPRISES; MIKE GOURLEY; NATALIE MARTUS; JEAN NIX; OPEN A ARENA LLC; BARRY PHILLIPS; DREW PHILLIPS; PRIEST CATTLE COMPANY LTD; PRIEST VICTORY INVESTMENT LLC; CHRISTOPHER PRINCE; PRODUCERS LIVESTOCK COMMISSION; SONNY BARTHOLD; DAVID RAINY; RAPP RANCH; MARK J. REISZ; RALPH REISZ; RIDGEFIELD CAPITAL ASSET MANAGEMENT; JIM GIORDANO; RILEY LIVESTOCK, INC.; ANGIE ROBINSON; RICK RODGERS; STEVE RYAN; JIM RININGER; SCARLET & BLACK CATTLE, LLC; COLTON LONG; SCOTT LIVESTOCK COMPANY; SHAW & SHAW FARMS PARTNERSHIP LLC; THE UNIVERSITY OF FLORIDA; ROBERT J. SPRING; STARNES CATTLE; JEFF STARNES; EDDIE STEWART; ROBERT STEWART; RACHEL STEWART; SCOTT E. STEWART; STEVE T SCOTT FARMS, INC.; JUSTIN STUEVER; PHILLIP SULLIVAN; AMY SUTTON; CRAIG SUTTON; TGF RANCH LLC; TOM FRITH; THORLAKSON DIAMOND T FEEDERS, L.P.; JOHN TIDWELL; MYKEL TIDWELL; TINDAL TRUCK SALES; JOHN TINDAL; JANET VANBUSKIRK; LYNDAL VANBUSKIRK; SUSAN VAN BUSKIRK; COLBY VANBUSKIRK; CAMERON WEDDINGTON; NANCY WEDDINGTON; WILLIAM WEDDINGTON; WILDFOREST CATTLE COMPANY LLC; WILEY ROBY RUSSELL, JR. as TRUSTEE OF THE W. ROBBIE RUSSELL LIVING TRUST; WJ PERFORMANCE HORSES, INC.; JOB WHITE; and KENT RIES, in his capacity as CHAPTER 7 TRUSTEE OF THE DEBTORS' CONSOLIDATED BANKRUPTCY ESTATE.

**TINDAL; (21) JOB E. WHITE; (22) JUSTIN GARWOOD; (23) JOANN & KEITH BROOKS D/B/A/ BROOKS FARMS; (24) LARRY KEITH; & (25) JAMES MCCUAN**

I, Matthew M. Cannon, declare as follows:

1. I am an attorney at the law firm of Ray Quinney & Nebeker P.C. I am one of the attorneys in this case for Plaintiff Rabo AgriFinance LLC (“**Plaintiff**” or “**RAF**”) in the above-captioned adversary proceeding (the “**Adversary Proceeding**”).

2. I am over the age of eighteen years, have personal knowledge of the facts set forth herein, and would and could competently testify to those facts if called upon to do so in a court of law.

3. I make this declaration (the “**Default Declaration**”) to provide the Court with an evidentiary basis for the entry of a Default Certificate, and a subsequent Default Judgment, against Defendants: (1) STAN E. AYERS, JR.; (2) BRENT BURNETT; (3) TERRY BURNETT; (4) ERIC DEJARNATT; (5) JACE HARROLD; (6) JEAN NIX; (7) CHRISTOPHER PRINCE; (8) DAVID RAINY; (9) MARK J. REISZ; (10) RALPH REISZ; (11) STARNES CATTLE; (12) JEFF STARNES; (13) JUSTIN STUEVER; (14) PHILLIP SULLIVAN; (15) TINDAL TRUCK SALES; (16) NANCY WEDDINGTON; (17) WILLIAM WEDDINGTON; (18) TOM FRITH; (19) JIM GIORDANO; (20) JOHN TINDAL; (21) JOB E. WHITE; (22) JUSTIN GARWOOD; (23) JOANN & KEITH BROOKS D/B/A/ BROOKS FARMS; (24) LARRY KEITH; & (25) JAMES MCCUAN in the Adversary Proceeding as requested by Plaintiff in its *Request for Entry of Default Certificate* (the “**Default Request**”).

4. I also make this Default Declaration pursuant to the Servicemembers Civil Relief Act, 50 U.S.C. § 3931.

5. On November 30, 2023, Plaintiff filed its First Amended Complaint. [Dkt. 3.]

***Service on Stan E. Ayers, Jr.***

6. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Stan E. Ayers, Jr. at 6200 Ross Road, Rockford, OH 45882.

7. The above noted address in Rockford, Ohio, is the same address that Stan E. Ayers, Jr. listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Stan E. Ayers, Jr. Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Stan E. Ayers, Jr. Dealer Trust Claim can be provided to the Court upon request.

8. A signed receipt was returned and on December 18, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Stan E. Ayers, Jr. [Dkt. 19.]

9. Stan E. Ayers, Jr. was to file and serve his answer or other appropriate response by no later than January 2, 2024.

10. Stan E. Ayers, Jr. has failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired.

11. Based on information that was submitted to the data banks of the Department of Defense Manpower Data Center (the “**DMDC**”), the DMDC reports that it does not have any information indicating that Stan E. Ayers, Jr. is currently an active member of the United States military or otherwise on active duty, or that Stan E. Ayers, Jr. is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043 (the “**SCRA**”). A copy of the results from that search is attached hereto as Exhibit A-1.

12. Stan E. Ayers, Jr. is not an infant or incompetent person.

***Service on Brent Burnett***

13. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Brent Burnett at 1612 Sanderson Rd, Mayfield, KY 42066. The certified letter was returned as undeliverable.

14. The above noted address in Mayfield, Kentucky, is the same address that Brent Burnett listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Brent Burnett Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Brent Burnett Dealer Trust Claim can be provided to the Court upon request.

15. Starting on or around January 20, 2024, personal service was attempted on Brent Burnett and on January 31, 2024, an Affidavit of Non-Service was executed.

16. On January 25, 2024, the Complaint and the duly issued Summons were mailed via first-class mail to Brent Burnett at 1612 Sanderson Road, Mayfield, KY 42066.

17. A cover letter was included with the Complaint and Summons, which letter stated that a response to the Complaint would be due 30 days from the day Brent Burnett was served with the Complaint and Summons.

18. On February 6, 2024, the Plaintiff filed its Proof of Service of Summons and Complaint on Brent Burnett. [Dkt. 127.]

19. Brent Burnett was to file and serve his answer or other appropriate response by no later than March 2024.

20. Brent Burnett has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired.

21. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Brent Burnett is currently an active member of the United States military or otherwise on active duty, or that Brent Burnett is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-2.

22. Brent Burnett is not an infant or incompetent person.

***Service on Terry Burnett***

23. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Terry Burnett at 210 Bethel Churst Road, Melber, KY 42069.

24. The above noted address in Melber, Kentucky, is the same address that Terry Burnett listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Terry Burnett Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Terry Burnett Dealer Trust Claim can be provided to the Court upon request.

25. A signed receipt was returned and on December 29, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Terry Burnett. [Dkt. 97.]

26. Terry Burnett was to file and serve his answer or other appropriate response by no later than January 2, 2024.

27. Terry Burnett has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired.

28. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Terry Burnett is currently an active member of the United States military or otherwise on active duty, or that Terry Burnett is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-3.

29. Terry Burnett is not an infant or incompetent person.

***Service on Eric DeJarnatt***

30. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, and first-class mail, to the last known address of the Defendant Eric DeJarnatt at 1115 CR 1024, Cunningham, KY 42035.

31. The above noted address in Cunningham, Kentucky, is the same address that Eric DeJarnatt listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Eric DeJarnatt Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Eric DeJarnatt Dealer Trust Claim can be provided to the Court upon request.

32. On January 20, 2024, process server, Nicholas Wyatt, attempted service at 1115 Country Road 1024, Cunningham, KY 42035, at which time the sone answered the door and said that the dad “Eric” was in the shower. Mr. Wyatt said he would wait and the sone came back later and said that Eric had an attorney who advised him not to accept the paperwork. Mr. Wyatt

advised the sone he was going to leave the paperwork under a package that had just been delivered and consider it a drop serve. [Dkt. 123.]

33. A cover letter was included with the Complaint and Summons, which letter stated that a response to the Complaint would be due 30 days from the day Eric DeJarnatt received the Complaint and Summons.

34. On January 31, 2024, the Plaintiff filed its Proof of Service of Summons and Complaint on Eric DeJarnatt. [Dkt. 123.]

35. Eric DeJarnatt was to file and serve his answer or other appropriate response by no later than February 20, 2024.

36. Eric DeJarnatt has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired.

37. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Eric DeJarnatt is currently an active member of the United States military or otherwise on active duty, or that Eric DeJarnatt is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-4.

38. Eric DeJarnatt is not an infant or incompetent person.

***Service on Jace Harrold***

39. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Jace Harrold at 650 FM 163, Cleveland, TX 77327.

40. The above noted address in Cleveland, Texas, is the same address that Jace Harrold listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Jace Harrold Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Jace Harrold Dealer Trust Claim can be provided to the Court upon request.

41. A signed receipt was returned and on December 20, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Jace Harrold. [Dkt. 55.]

42. Jace Harrold was to file and serve his answer or other appropriate response by no later than January 2, 2024.

43. Jace Harrold has failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired.

44. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Jace Harrold is currently an active member of the United States military or otherwise on active duty, or that Jace Harrold is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-5.

45. Jace Harrold is not an infant or incompetent person.

***Service on Jean Nix***

46. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Jean Nix at P.O. Box 1527, Mont Belvieu, TX 77580.

47. The above noted address in Mont Belvieu, Texas, is the same address that Jean Nix listed on her Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Jean Nix Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Jean Nix Dealer Trust Claim can be provided to the Court upon request.

48. A signed receipt was returned, and on December 20, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Jean Nix. [Dkt. 56.]

49. Jean Nix was to file and serve her answer or other appropriate response by no later than January 2, 2024.

50. Jean Nix has failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired.

51. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Jean Nix is currently an active member of the United States military or otherwise on active duty, or that Jean Nix is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-6.

52. Jean Nix is not an infant or incompetent person.

***Service on Christopher Prince***

53. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, and first-class mail, to the last known address of the Defendant Christopher Prince at 206 Urbana Dr., Blackwell, OK 74631.

54. The above noted address in Blackwell, Oklahoma, is the same address that Christopher Prince listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Christopher Prince Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Christopher Prince Dealer Trust Claim can be provided to the Court upon request.

55. A signed receipt was returned and on December 18, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Christopher Prince. [Dkt. 22.]

56. Christopher Prince was to file and serve his answer or other appropriate response by no later than January 2, 2024.

57. Christopher Prince has failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired.

58. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Christopher Prince is currently an active member of the United States military or otherwise on active duty, or that Christopher Prince is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-7.

59. Christopher Prince is not an infant or incompetent person.

***Service on David Rainey***

60. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant David Rainey at 69 CR 640, Corinth, MS 38834.

61. The above noted address in Corinth, Mississippi, is the same address that David Rainey listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**David Rainey Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the David Rainey Dealer Trust Claim can be provided to the Court upon request.

62. A signed receipt was returned and on December 19, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on David Rainey. [Dkt. 44.]

63. David Rainey was to file and serve his answer or other appropriate response by no later than January 2, 2024.

64. David Rainey has failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired.

65. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that David Rainey is currently an active member of the United States military or otherwise on active duty, or that David Rainey is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-8.

66. David Rainey is not an infant or incompetent person.

***Service on Mark J. Reisz***

67. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Mark J. Reisz at 514 Americas Way, PMB 13812, Box Elder, South Dakota, 57719.

68. The above noted address in Box Elder, South Dakota, is the same address that Mark J. Reisz listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Mark J. Reisz Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Mark J. Reisz Dealer Trust Claim can be provided to the Court upon request.

69. A signed receipt was returned and on December 28, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Mark J. Reisz. [Dkt. 94.]

70. Mark J. Reisz was to file and serve his answer or other appropriate response by no later than January 2, 2024.

71. Mark J. Reisz has failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired.

72. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Mark J. Reisz is currently an active member of the United States military or otherwise on active duty, or that Mark J. Reisz is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-9.

73. Mark J. Reisz is not an infant or incompetent person.

***Service on Ralph Reisz***

74. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, and first-class mail,

to the last known address of the Defendant Ralph Reisz at 4062 Keller Road, Owensboro, KY 42301.

75. The above noted address in Owensboro, Kentucky, is the same address that Ralph Reisz listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Ralph Reisz Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Ralph Reisz Dealer Trust Claim can be provided to the Court upon request.

76. A signed receipt was returned and on December 27, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Ralph Reisz. [Dkt. 87.]

77. Ralph Reisz was to file and serve his answer or other appropriate response by no later than January 2, 2024.

78. Ralph Reisz has failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired.

79. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Ralph Reisz is currently an active member of the United States military or otherwise on active duty, or that Ralph Reisz is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-10.

80. Ralph Reisz is not an infant or incompetent person.

***Service on Starnes Cattle***

81. On December 5, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Starnes Cattle at 851 SW 6<sup>th</sup> Ave, Williston, FL 32696.

82. The above noted address in Williston, Florida, is the same address that Starnes Cattle listed on the Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Starnes Cattle Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Starnes Cattle Dealer Trust Claim can be provided to the Court upon request.

83. A signed receipt was returned and on December 27, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Starnes Cattle. [Dkt. 86.]

84. Starnes Cattle was to file and serve its answer or other appropriate response by no later than January 2, 2024.

85. Starnes Cattle has failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired.

86. Starnes Cattle is not an individual and is thus not an infant or incompetent person.

***Service on Jeff Starnes***

87. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Jeff Starnes at 851 SW 6<sup>th</sup> Ave, Williston, FL 32696.

88. The above noted address in Williston, Florida, is the same address that Jeff Starnes listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Starnes Cattle Trust Claim**”) filed with the United States Department of Agriculture, Packers &

Stockyards Division. A copy of the Starnes Cattle Dealer Trust Claim can be provided to the Court upon request.

89. A signed receipt was returned and on December 19, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Jeff Starnes. [Dkt. 42.]

90. Jeff Starnes was to file and serve his answer or other appropriate response by no later than January 2, 2024.

91. Jeff Starnes has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired.

92. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Jeff Starnes is currently an active member of the United States military or otherwise on active duty, or that Jeff Starnes is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-11.

93. Jeff Starnes is not an infant or incompetent person.

***Service on Justin Stuever***

94. On December 5, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Justin Stuever at P.O. Box 22, Morrison, OK 73061.

95. The above noted address in Morrison, Oklahoma, is the same address that Justin Stuever listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the "**Justin Stuever Trust Claim**") filed with the United States Department of Agriculture, Packers &

Stockyards Division. A copy of the Justin Stuever Dealer Trust Claim can be provided to the Court upon request.

96. A signed receipt was returned and on December 18, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Justin Stuever. [Dkt. 26.]

97. Justin Stuever was to file and serve his answer or other appropriate response by no later than January 2, 2024.

98. Justin Stuever has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired.

99. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Justin Stuever is currently an active member of the United States military or otherwise on active duty, or that Justin Stuever is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-12.

100. Justin Stuever is not an infant or incompetent person.

***Service on Phillip Sullivan***

101. On December 5, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Phillip Sullivan at 396 Neeley Rd., Mayfield, KY 42066.

102. The above noted address in Mayfield, Kentucky, is the same address that Phillip Sullivan listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the "**Phillip Sullivan Trust Claim**") filed with the United States Department of Agriculture, Packers &

Stockyards Division. A copy of the Phillip Sullivan Dealer Trust Claim can be provided to the Court upon request.

103. A signed receipt was returned and on December 21, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Phillip Sullivan. [Dkt. 63.]

104. Phillip Sullivan was to file and serve his answer or other appropriate response by no later than January 2, 2024.

105. Phillip Sullivan has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired.

106. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Phillip Sullivan is currently an active member of the United States military or otherwise on active duty, or that Phillip Sullivan is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-13.

107. Phillip Sullivan is not an infant or incompetent person.

#### ***Service on Tindal Truck Sales***

108. On December 5, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, and first-class mail, to the last known address of the Defendant Tindal Truck Sales at 3484 State Route 45N, Mayfield, KY 42066.

109. The above noted address in Mayfield, Kentucky, is the same address that Tindal Truck Sales listed on its Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Tindal Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers &

Stockyards Division. A copy of the Tindal Dealer Trust Claim can be provided to the Court upon request.

110. A signed receipt was returned and on December 18, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Tindal Truck Sales. [Dkt. 25.]

111. Tindal Truck Sales was to file and serve its answer or other appropriate response by no later than January 2, 2024.

112. Tindal Truck Sales has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired.

113. Tindal Truck Sales is not an individual and thus is not an infant or incompetent person.

***Service on Nancy Weddington***

114. On December 5, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Nancy Weddington at 3486 Hwy 70 East, Brownsville, TN 38012.

115. The above noted address in Brownsville, Tennessee, is the same address that Nancy Weddington listed on her Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the "**Nancy Weddington Dealer Trust Claim**") filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Nancy Weddington Dealer Trust Claim can be provided to the Court upon request.

116. A signed receipt was returned and on December 19, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Nancy Weddington. [Dkt. 47.]

117. Nancy Weddington was to file and serve her answer or other appropriate response by no later than January 2, 2024.

118. Nancy Weddington has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired.

119. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Nancy Weddington is currently an active member of the United States military or otherwise on active duty, or that Nancy Weddington is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-14.

120. Nancy Weddington is not an infant or incompetent person.

***Service on William Weddington***

121. On December 5, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, and first-class mail, to the last known address of the Defendant William Weddington at 3486 Hwy 70 East, Brownsville, TN 38012.

122. The above noted address in Brownsville, Tennessee, is the same address that William Weddington listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the "**William Weddington Dealer Trust Claim**") filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the William Weddington Dealer Trust Claim can be provided to the Court upon request.

123. A signed receipt was returned and on December 19, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on William Weddington. [Dkt. 49.]

124. William Weddington was to file and serve his answer or other appropriate response by no later than January 2, 2024.

125. William Weddington has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired.

126. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that William Weddington is currently an active member of the United States military or otherwise on active duty, or that William Weddington is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-15.

127. William Weddington is not an infant or incompetent person.

***Service on Tom Frith***

128. On December 5, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Tom Frith at 1585 E. M79 Hwy, Hastings, MI 49058.

129. The above noted address in Hastings, Michigan, is the same address that Tom Frith listed on the Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the "**TGF Ranch Dealer Trust Claim**") filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the TGF Ranch Dealer Trust Claim can be provided to the Court upon request.

130. A signed receipt was returned and on December 15, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Tom Frith. [Dkt. 15.]

131. Tom Frith was to file and serve his answer or other appropriate response by no later than January 2, 2024.

132. Tom Frith has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired.

133. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Tom Frith is currently an active member of the United States military or otherwise on active duty, or that Tom Frith is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-16.

134. Tom Frith is not an infant or incompetent person.

***Service on Jim Giordano***

135. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Jim Giordano at P.O. Box 389, Ridgefield, CT 06877.

136. A signed receipt was returned and on December 21, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Jim Giordano. [Dkt. 67.]

137. Jim Giordano was to file and serve his answer or other appropriate response by no later than January 2, 2024.

138. Jim Giordano has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired.

139. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Jim Giordano is currently an active member of the United States military or otherwise on active duty, or that Jim Giordano is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-17.

140. Jim Giordano is not an infant or incompetent person.

***Service on John Tindal***

141. On December 5, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, and first-class mail, to the last known address of the Defendant John Tindal at 3483 State Route 45N, Mayfield, KY 42066.

142. The above noted addresses in Mayfield, Kentucky, is the same address as the Tindal Dealer Trust Claim filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Tindal Dealer Trust Claim can be provided to the Court upon request.

143. A receipt was returned and on December 21, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on John Tindal. [Dkt. 62.]

144. John Tindal was to file and serve his answer or other appropriate response by no later than January 2, 2024.

145. John Tindal has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired.

146. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that John Tindal is currently an active member of the United States military or otherwise on active duty, or that John Tindal is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-18.

147. John Tindall is not an infant or incompetent person.

***Service on Job E. White***

148. On December 5, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Job E. White at 10216 SW 49<sup>th</sup> Ln., Gainesville, FL 32608.

149. A signed receipt was returned and on December 21, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Job E. White. [Dkt. 66.]

150. Job E. White was to file and serve his answer or other appropriate response by no later than January 2, 2024.

151. Job E. White has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired.

152. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Job E. White is currently an active member of the United States military or otherwise on active duty, or that Job E. White is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-19.

153. Job E. White is not an infant or incompetent person.

***Service on Justin Garwood***

154. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Justin Garwood at 2538 Middleton Rd., Columbiana, OH 44408.

155. The above noted address in Columbiana, Ohio, is the same listed on the Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Garwood Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Garwood Dealer Trust Claim can be provided to the Court upon request..

156. A signed receipt was returned and on December 20, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Justin Garwood. [Dkt. 54.]

157. Justin Garwood was to file and serve his answer or other appropriate response by no later than January 2, 2024.

158. Justin Garwood has failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired.

159. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Justin Garwood is currently an active member of the United States military or otherwise on active duty, or that Justin Garwood is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-20.

160. Justin Garwood is not an infant or incompetent person.

***Service on Joann & Keith Brooks d/b/a/ Brooks Farms***

161. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, and first-class mail, to the last known address of the Defendant Joann & Keith Brooks d/b/a/ Brooks Farms at 4778 Albert Owens Rd., South Fulton, TN 38257.

162. The above noted address in South Fulton, Tennessee, is the same address that Joann & Keith Brooks d/b/a/ Brooks Farms listed on their Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Joann & Keith Brooks d/b/a/ Brooks Farms Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Joann & Keith Brooks d/b/a/ Brooks Farms Dealer Trust Claim can be provided to the Court upon request.

163. A signed receipt was returned and on December 27, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Joann & Keith Brooks d/b/a/ Brooks Farms. [Dkt. 90.]

164. Joann & Keith Brooks d/b/a/ Brooks Farms was to file and serve their answer or other appropriate response by no later than January 2, 2024.

165. Joann & Keith Brooks d/b/a/ Brooks Farms have failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired.

166. Joann & Keith Brooks d/b/a/ Brooks Farms are not infants or incompetent people.

***Service on Larry Keith***

167. On December 6, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Larry Keith at 1462 Pauley Flatwoods Road, Austinville, VA 24312-3656.

168. A signed receipt was returned and on December 18, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Larry Keith. [Dkt. 16.]

169. Larry Keith was to file and serve his answer or other appropriate response by no later than January 2, 2024.

170. Larry Keith has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired.

171. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Larry Keith is currently an active member of the United States military or otherwise on active duty, or that Larry Keith is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-21.

172. Larry Keith is not an infant or incompetent person.

***Service on James McCuan***

173. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant James McCuan at 6804 Poplar Corner Rd., Bells, TN 38006.

174. A signed receipt was returned and on December 21, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on James McCuan. [Dkt. 70.]

175. James McCuan was to file and serve his answer or other appropriate response by no later than January 2, 2024.

176. James McCuan has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired.

177. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that James McCuan is currently an active member of the United States military or otherwise on active duty, or that James McCuan is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached hereto as Exhibit A-22.

178. James McCuan is not an infant or incompetent person.

### **Facts Applicable to All Defendants**

179. Because the Defendants have failed to file an answer or otherwise respond to Plaintiff's Complaint within the time-period allowed by law, Plaintiff is filing this Request for Default Certificate with the Clerk of the Court against each of the Defendants addressed herein.

180. Plaintiff's Complaint seeks a Declaratory Judgment only against each of the Defendants. No money damages are requested. And while the Complaint requests numerous declaratory findings from the Court, not all requested declaratory relief findings are necessary as part of the Default Judgment Plaintiff requests.

181. As part of this Request, Plaintiff respectfully asks that the Court's Default Judgment contain the following declaratory findings only:

A. To the extent that a Defendant filed a claim with the United States Department of Agriculture, Packers & Stockyards Division under 7 U.S.C. § 217b (the

“Dealer Trust Statute”) asserting a claim(s) (the “Dealer Trust Claim”) against McClain Feed Yard, Inc., McClain Farms, Inc., 7M Cattle Feeders, Inc., and/or Brian McClain (collectively, the “McClain Debtors”), such claim is not a valid claim under the Dealer Trust Statute.

B. Defendants’ Dealer Trust Claims are not valid and are not payable under the Dealer Trust Statute.

C. Defendants are not entitled to any funds or payments as a trust fund claimant or secured creditor under the Dealer Trust Statute.

D. Defendants’ rights, if any, against the McClain Debtors and their bankruptcy estates and assets, are junior and inferior to Plaintiff’s rights against the McClain Debtors and their bankruptcy estates and assets.

E. If and to the extent a Defendant has claims against the McClain Debtors related to the subject matter of a Dealer Trust Claim, such claims are, at most, general unsecured claims and not secured claims or trust claims.

182. Except as set forth above, all other requests for declaratory relief in Plaintiff’s Complaint against any Defendant addressed in the default request, if any, are unnecessary and should be denied as moot and dismissed.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 21st day of June 2024.

*/s/ Matthew M. Cannon*  
Matthew M. Cannon

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/s/ Michael R. Johnson

Michael R. Johnson  
Matthew M. Cannon

*Attorneys for Rabo AgriFinance LLC*

1675224

**CERTIFICATE OF SERVICE**

I hereby certify that on June 21, 2024, I electronically filed the foregoing **Declaration of Matthew M. Cannon** with the United States Bankruptcy Court for the Northern District of Texas by using the CM/ECF system which sent notice to registered ECF users in this case. I further certify that on June 21, 2024, I mailed the foregoing via first class mail to the following:

|  |   |   |   |
|--|---|---|---|
| Stan E. Ayers, Jr.<br>6200 Ross Road<br>Rockford, OH 45882             | Christopher Prince<br>206 Urbana Dr.<br>Blackwell, OK 74631         | Justin Stuever<br>P.O. Box 22<br>Morrison, OK 73061                 | Jim Giordano<br>P.O. Box 389<br>Ridgefield, CT 06877  |
| Brent Burnett<br>1612 Sanderson Rd<br>Mayfield, KY 42066               | David Rainey<br>69 CR 640<br>Corinth, MS 38834                      | Phillip Sullivan<br>396 Neeley Rd.<br>Mayfield, KY 42066            | John Tindal<br>3483 State Route<br>45N<br>Mayfield, KY 42066  |
| Terry Burnett<br>210 Bethel Churst<br>Road<br>Melber, KY 42069         | Mark J. Reisz<br>1631 McLucas Lane<br>The Villages, FL<br>34762     | Tindal Truck Sales<br>3484 State Route<br>45N<br>Mayfield, KY 42066 | Job E. White<br>10216 SW 49 <sup>th</sup> Ln.<br>Gainesville, FL<br>32608                               |
| Eric Dejarnatt<br>1115 Country Road<br>1024<br>Cunningham, KY<br>42035 | Ralph Reisz<br>4062 Keller Road<br>Owensboro, KY<br>42301           | Nancy Weddington<br>3486 Hwy 70 East<br>Brownsville, TN<br>38012    | Justin Garwood<br>2538 Middleton Rd.,<br>Columbiana, OH<br>44408  |
| Jace Harrold<br>650 FM 163<br>Cleveland, TX 77327                      | Starnes Cattle<br>851 SW 6 <sup>th</sup> Ave<br>Williston, FL 32696 | William Weddington<br>3486 Hwy 70 East<br>Brownsville, TN<br>38012  | Joann & Keith<br>Brooks d/b/a/ Brooks<br>Farms<br>4778 Albert Owens<br>Rd.<br>South Fulton, TN<br>38257 |
| Jean Nix<br>P.O. Box 1527<br>Mont Belvieu, TX<br>77580                 | Jeff Starnes<br>851 SW 6 <sup>th</sup> Ave<br>Williston, FL 32696   | Tom Frith<br>1585 E. M79 Hwy<br>Hastings, MI 49058                  | Larry Keith<br>1462 Pauley<br>Flatwoods Road<br>Austinville, VA<br>24312-3656                           |
| James McCuan<br>6804 Poplar Corner<br>Rd<br>Bells, TN 38006            |   |   |   |

/s/ Annette Sanchez